

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

SPANGLE THE CLOWN,
formally known as Ronald Poindexter

Plaintiff,

v.

Case No. _____

BAJINDER SINGH,
Serve at:
3660 W San Jose Ave Apt. 216
Fresno, CA 93711,

And

LALA TRUCKING INC,
Serve Registered Agent:
Varinder Singh
3660 W San Jose Ave 216 Apt. 216
Fresno, CA 93711,

Defendants.

PETITION FOR WRONGFUL DEATH

COMES NOW Plaintiff Spangle the Clown, formally known as Ronald Poindexter, by and through his undersigned counsel, and for his cause of action for the wrongful death of his wife, Gloria Grimsley, states and avers to the Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff Spangle the Clown, formally known as Ronald Poindexter, (hereinafter "Plaintiff") is a resident of Greene County, Missouri, and at all times relevant to this Petition was the husband of Gloria Grimsley pursuant to the laws of the state of Texas and given full faith and credit by this state, who died on or about March 23, 2022, as a result of the negligence of Defendants Bajinder Singh and Lala Trucking Inc.

2. Although there is a no common law marriage in Missouri, our state recognizes the validity of a marriage if it is valid where contracted. See, e.g., *D.L.H. v. J.D.H.*, 521 S.W.3d 324, 326 (Mo. Ct. App. E.D. 2017).
3. Upon information and belief, Defendant Bajinder Singh (hereinafter “Defendant Singh”) is a resident of California, and may be served with process as set forth above.
4. Upon information and belief, Defendant Lala Trucking Inc (hereinafter Defendant Lala) is a California Corporation and may be served with process as set forth above.
5. The claim arises out of a motor vehicle accident that occurred in Greene County, Missouri, and therefore jurisdiction and venue are proper in the premises.
6. This action is brought pursuant to the provisions of the Missouri Wrongful Death Statute, RSMo. Sections 537.080, *et. seq.*, for which the courts of the State of Missouri have jurisdiction over the subject matter.
7. Plaintiff is, respectively, the husband of Gloria Grimsley, deceased, and has standing to bring this claim as Class One Claimant under RSMo. § 537.080.1(1).
8. On or about March 23, 2022, a motor vehicle accident occurred on Missouri Highway 65 in Greene County, Missouri, that involved a 2016 Freightliner Cascadia operated by Defendant Singh and owned by Defendant Lala and a 2000 Pontiac Montana operated by Gloria Grimsley, decedent, and at said time and place Defendant Singh was negligent in that he failed to keep a careful look out, failed to operate his vehicle in a careful and prudent manner, operated his vehicle at an excessive speed for the conditions, failed to exercise the highest degree and allowed his vehicle to collide with the decedent’s vehicle.
9. Defendant Lala, at all relevant times mentioned herein, regularly employed Defendant Singh and Defendant Singh was an agent, servant, and employee of Defendant Lala and

acting within the course and scope of his employment or agency with Defendant Lala at all relevant times mentioned herein and, as such, Defendant Lala is liable for his acts of negligence as agent and upon the doctrine of *respondeat superior*, and apparent authority.

10. Defendant Singh, at all relevant times mentioned herein, was cloaked with apparent authority by Defendant Lala, and Defendant Lala further created in the public's mind, including Plaintiff's, that Defendant Singh was an agent, servant, and employee of Defendant Lala.
11. Defendant Lala is an employer and motor carrier as the term is defined within the meaning of the Federal Motor Carrier Safety Regulations set forth in Title 49 of the CFR.
12. As a direct result of the negligence of Defendant Singh, decedent Gloria Grimsley sustained injuries and then died on or about March 23, 2022, from the injuries sustained in said motor vehicle accident. As a result, plaintiff was thereby damaged.

COUNT I – WRONGFUL DEATH OF GLORIA GRIMSLEY

COMES NOW Plaintiff, by and through his undersigned counsel, and for Count I of his cause of action for the wrongful death of his wife, Gloria Grimsley, states and avers to the Court as follows:

13. Plaintiff incorporates by reference each and every preceding Paragraph of this Petition as if set forth more fully herein.
14. On or about March 23, 2022, Gloria Grimsley died as a result of the negligence of Defendant Singh.
15. Defendant Singh, at all pertinent time mentioned herein, did owe Gloria Grimsley a duty to exercise the highest degree of care in operating a motor vehicle on a public roadway.

16. Defendant Singh breached his aforementioned duty to Gloria Grimsley and was thereby negligent in the following respects:

- a. Defendant Singh failed to keep a careful lookout while operating his motor vehicle;
- b. Defendant Singh was operating his vehicle at an excessive speed for the conditions that existed therein;
- c. Defendant Singh failed to yield the right-of-way;
- d. Defendant Singh violated one or more of the FMCSRs;
- e. Defendant Singh violated one or more of the Missouri CDL standards that have been incorporated into §380 of the FMCSRs;
- f. Defendant Singh failed to sound a horn when a collision between Gloria Grimsley and Defendant Singh was inevitable; and
- g. Defendant Singh otherwise failed to exercise the highest degree of care while operating a motor vehicle on a public road.

17. As a direct and proximate result of Defendant Singh's negligence, Gloria Grimsley sustained fatal injuries.

18. As a direct and proximate result of Defendant Singh's negligence, Gloria Grimsley passed away on March 23, 2022.

19. Prior to the accident, Gloria Grimsley was a healthy, active, able-bodied woman and was actively participating in family affairs and financially contributing to the welfare of the Plaintiff, her husband.

20. Plaintiff is a member of the class of persons entitled to bring this action pursuant to MO. REV. STAT. §§ 537.080.1(1), and entitled further to bring such action for the use and

benefit of herself and all other heirs at law entitled to recover pursuant to the provisions of the Missouri Wrongful Death statute.

21. As a direct and proximate result of the negligence of Defendant Singh, Plaintiff has sustained damages and has been or will continue to be permanently deprived of the reasonable value of the society, service, affection, comfort, support, love, and companionship of Gloria Grimsley, such as existed prior to the aforesaid car wreck, and has suffered damages in the past and will continue to suffer damages in the future.
22. As a direct and proximate result of the negligence of Defendant Singh, there have been funeral expenses for Gloria Grimsley.
23. As a direct and proximate result of the negligence of Defendant Singh, Plaintiff and the remaining Class One members have suffered and will continue to suffer lost wages and support due to the untimely death of Gloria Grimsley.
24. Pursuant to MO. REV. STAT. §§ 537.080 and 537.090, Plaintiff, for and on behalf of Gloria Grimsley, deceased, pray for such damages as Gloria Grimsley could have recovered against Defendants had she not died.
25. Pursuant to MO. REV. STAT. §§ 537.080 and 537.090 Gloria Grimsley, by and through the Plaintiff herein, prays for fair and reasonable damages and for her personal injuries and damage suffered after the aforesaid car wreck and prior to her death, along with all other damages allowed pursuant to Missouri law.
26. At all times mentioned herein, Defendant Singh was an agent, servant, employee, or statutory employee of Defendant Lala and was operating in the course and scope of his agency, employment or statutory employment at the time of the accident.

27. Defendant Lala is vicariously liable for the negligent acts or omissions of Defendant Singh.

WHEREFORE, Plaintiff prays this Court for Judgment on Count I of his Petition for the wrongful death of his wife, Gloria Grimsley, against Defendants for damages as are fair and reasonable, for costs and interest as allowable by Missouri law, and for any other and further relief as the Court deems just and proper in the premises.

LOWTHER JOHNSON
ATTORNEYS AT LAW, LLC

BY: 

Mathew L. Placzek

Missouri Bar Number 61830

Randy J. Reichard

Missouri Bar Number 44560

B. Jacob Haskins

Missouri Bar Number 71920

901 St. Louis Street, 20th Floor

Springfield, MO 65806

Telephone: 417-866-7777

Fax: 417-866-1752

mplaczek@lowtherjohnson.com

bhaskins@lowtherjohnson.com

rreichard@lowtherjohnson.com

Attorneys for Plaintiff